REGULATION No. III OF 1884.

(PASSED ON THE 21ST DAY OF JULY 1884).

A Regulation to amend the Law relating to Legal Practitioners practising in the Courts of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners in Mysore; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Regulation may be cited "The Mysore Legal Practitioners' Regulation, 1884."

Commencement.

And it shall come into force on the 1st day of September 1884.

Local extent.

It shall extend to the whole of the territories of Mysore.

Repeal of Rules

2. On and from the 1st day of September 1884, the Rules published in Chief Commissioner's Notification No. 273, dated 18th February 1879, (relating to Advocates and Pleaders,) and the Rules published in Chief Commissioner's Notification No. 306, dated 12th March 1880, (relating to the agreements of Legal Practitioners with clients, &c.,), shall be repealed.

Notwithstanding anything herein contained, the Advocates and Pleaders of the 1st and 2nd grade, already enrolled under the Advocates and Pleaders' Rules of the 18th February 1879, shall continue to practice under the provisions of the aforementioned Rules up to the 31st December 1884.

Definitions.

3. In this Regulation, unless there be something repugnant to the subject or context—

"Legal Practitioners" means an Advocate or Pleader enrolled under this Regulation:

"Judge" means the presiding Judicial Officer of every Civil and Criminal Court by whatever name he is designated:

"Government" means the Government of His Highness the Maharaja of Mysore:

[a] 'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration. [a]

[a-a] These words in section 3 were added by Regulation 1 of 1897, s. 1.

Sections 4-10.

CHAPTER II.

Advocates and Pleaders.

Who may practice before Courts.

4. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for another in any Court in Mysore unless he has been enrolled as an Advocate or Pleader under this Regulation:

Provided that every person accused before any Criminal Court with an offence may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence:

Provided further that any person *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding may make and do appearances, acts and applications, within the scope of his authority on behalf of Government.

Courts in which Advocates may practise.

5. Advocates duly enrolled under the provisions of this Regulation shall be entitled to appear, plead and act in the Chief Court of Mysore and in all Courts subordinate thereto, civil or criminal.

Pleaders.

6. There shall be two grades of Pleaders, namely, Pleaders of the 1st grade and Pleaders of the 2nd grade.

Courts in which 1st Grade Pleaders may practise.

7. A Pleader of the 1st grade shall be entitled to appear, plead and act in any Civil Court situate within the District, as defined in the Code of Civil Procedure, for which he may be enrolled, and in all Criminal Courts, provided that he shall not be entitled to practise in the Chief Court.

Courts in which 2nd Grade Pleaders may practise.

8. A Pleader of the 2nd grade shall be entitled to appear, plead and act in any Munsiff's Court for which he may be enrolled and in the Courts of all Magistrates.

2nd Grade Pleaders authorized to practise in Subordinate Judge's Court.

9. If, in any place where a subordinate Judge's Court is established, there be not resident three practising Advocates or Pleaders of the 1st grade, the Chief Court may, after six months' notice of its intention so to do published in the official Gazette, authorize by name a sufficient number of Pleaders of the 2nd grade to practise in the Court of such Subordinate Judge.

Chief Court to make Rules in regard to qualifications and for enrolment.

10. The Chief Court may, from time to time, make rules consistent with this Regulation as to the following matters, namely:—

(1) the qualifications for admission as Advocates or as Pleaders of the 1st or 2nd grade under this Regulation;

(2) the certificates which should accompany applications for such admission ; and

(3) the stamp fee payable for certificates of admission to be granted by the Chief Court under section 11, or for the grant of renewed certificates under section 12; of this Regulation.

Rules made under this section, when approved by the Government and published in the official Gazette, shall have the force of law.

Application for enrolment.

11. Every person duly qualified in accordance with the Rules framed under section 10, may apply to the Chief Court of Mysore to be enrolled as an Advocate or Pleader under this Regulation. The application shall be accompanied by the certificates and the stamp fee, if any, required by the said Rules.

The Chief Court may, if it thinks fit, grant the application, and, on the application being granted, shall issue a certificate upon a stamp paper of the proper value, if any, prescribed by the Rules framed under section 10.

The certificate granted under this section to a Pleader of the 1st or 2nd grade shall specify the Courts for which the applicant has been enrolled under section 7 or 8 as the case may be.

Certificate.

12. Every certificate issued to a Pleader under this Regulation shall authorize him to practise up to the end of the calendar year for which it is issued.

At or before the expiration of that period the holder of such certificate, if he desires to continue to practise, shall apply for the renewal of the certificate to the Chief Court through the District Judge within whose local jurisdiction he ordinarily practises. The Chief Court shall thereupon renew the certificate for the current or next calendar year as the case may be: Provided that the Chief Court may decline to grant such application for proved bad character or other reason which, in the opinion of the Chief Court, unfits the applicant to continue as a Legal Practitioner.

A renewed certificate shall be issued upon a stamp paper of the proper value prescribed by Rules under section 10.

On every such renewal, the certificate then in possession of the Pleader shall be given up to, and cancelled and retained by, the Chief Court.

Sections 13-14.

[a] **13 A.** The Chief Court may suspend or dismiss any Legal Practitioner enrolled under the foregoing provisions, who shall be convicted of any criminal offence implying a defect of character which unfits him to be a Legal Practitioner.

Suspension and dismissal of Legal Practitioners convicted of criminal offence.

[b] **13 B.** The Chief Court may also, after such inquiry as it thinks fit, suspend or dismiss any Legal Practitioner enrolled as aforesaid —

Suspension and dismissal of Legal Practitioners guilty of unprofessional conduct.

(*a*) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions; or

(*b*) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or

(*c*) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Legal Practitioner; or

(*d*) who, directly or indirectly, procures or attempts to procure the employment of himself as such Legal Practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or

(*e*) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 28; or

(*f*) for any other reasonable cause.

Inquiry into improper conduct of Legal Practitioners.

14. [c] If a Judge of any Court subordinate to the Chief Court is of opinion that there are grounds for proceeding under the provisions of section 13 B against a Legal Practitioner practising in such Court, such Judge shall cause a formal charge to be drawn up setting forth concisely the said grounds, and shall send a copy of the said charge to him, and also a notice that on a day therein appointed such charge will be taken into consideration. [c]

Such copy and notice shall be served upon the Legal Practitioner at least ten days before the day so appointed. On such day

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[a], [b] Sections 13 A and 13 B were substituted for the original section 13 by Regulation I of 1897, s. 2.

[c-c] These words in section 14 were substituted for the first sentence of the original section by Regulation I of 1897, s. 3.

or on any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the Legal Practitioner, and shall proceed to adjudicate upon the charge.

Report to Chief Court.

15. If the Judge of any Court subordinate to the Chief Court shall find the charge established and consider that the Legal Practitioner should be suspended, or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same together with the proceedings to the Chief Court, and the Chief Court shall proceed to acquit, suspend or dismiss the Legal Practitioner.

Reports of Subordinate Courts to be submitted through District Court and District Magistrate.

16. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the Magistrate of the District, shall be submitted to the Judge of the District Court or to the Magistrate of the District, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case, and shall forward the record for the orders of the Chief Court.

Immediate suspension.

17. The Judge or Magistrate may, pending the investigation and orders of the Chief Court, suspend any Pleader in his own Court and in Courts subordinate thereto.

Power of Chief Court to call for records.

18. The Chief Court, in any case in which an Advocate or Pleader shall have been acquitted otherwise than by an order of the Chief Court, may call for the record and pass such order thereon as it may deem fit.

Power of Chief Court to transfer charge.

19. The Chief Court may also direct that any charge preferred against a Legal Practitioner in any Court subordinate to the Chief Court shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.

Note of suspension.

20. A note of the suspension of any Legal Practitioner shall be made in the roll of Legal Practitioners to be kept in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

Removal of name of dismissed Legal Practitioner.

21. The name of any Legal Practitioner dismissed under the foregoing provisions shall be struck off the roll of Legal Practitioners in the Chief Court, and notice thereof shall be sent to all Courts subordinate thereto.

Sections 22-27.

CHAPTER III.

REMUNERATION OF LEGAL PRACTITIONERS, ETC.

Fees.

22. The Chief Court shall, from time to time, and with the sanction of the Government, make rules fixing and regulating the fees payable by any party in respect of his adversary's Legal Practitioner upon all proceedings in the Chief Court and in the Courts subordinate thereto:

Provided that the Rules now in force in respect of such fees shall be deemed to have been framed under this section.

Remuneration to Legal Practitioners.

23. Legal Practitioners may make their own arrangements with their clients for their remuneration.

Agreement for remuneration to be filed in Court.

24. No agreement entered into by any Legal Practitioner with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done or to be done by such Legal Practitioner, shall be proved in a suit brought to enforce such an agreement, unless the same is made in writing signed by such person, and is, within fifteen days from the day on which it is executed, filed in the District Court or in some Court in which some portion of the business in respect of which it has been executed has been or is to be done.

Unfair agreement.

25. Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce the amount payable thereunder, or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made.

Agreement to exclude other claims.

26. Such an agreement shall exclude any further claim of the Legal Practitioner beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement.

Void agreement.

27. A provision in any such agreement that the Legal Practitioner shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such Legal Practitioner, shall be wholly void.

Section 28.

Power to frame and publish lists of touts.

[a] **28.** (1) The Chief Court, the District and Sessions Judge, and the District Magistrate may each as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of section 13 B, clause (*e*).

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[a] Section 28 was substituted for the original section by Regulation I of 1897, s. 4.